

MINUTES

INDIANA RESPIRATORY CARE COMMITTEE

JANUARY 25, 2008

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Konkle called the meeting to order at 10:00 a.m. in Conference Center Room 5, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana.

Committee Members Present:

Thomas Konkle, R.C.P., Chairman
Sally Park-Teelon, R.C.P., Member
Gary L. Smith, R.C.P., Member

Committee Members Absent:

Margaret Sullivan, Consumer Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Elizabeth Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

KONKLE/PARK-TEELON
Motion carried 3-0-0

III. ADOPTION OF THE MINUTES

A motion was made and seconded to adopt the minutes from the October 12, 2007 meeting of the Committee.

PARK-TEELON/SMITH
Motion carried 3-0-0

IV. APPEARANCES

A. APPLICATION

1. Lisa Elizabeth Varner

Ms. Varner appeared before the Committee, as requested, regarding her application for licensure by examination. She is 2007 graduate of IVY Tech Community College and has taken and passed the National Board For Respiratory Care Examination (NBRC) on October 18, 2007. On her application she answered "yes" to question 5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" Ms. Varner explained that she was convicted of a DUI in 2006. She told

the Board she had been having a difficult time after being diagnosed with juvenile epilepsy and failing to find an anti-seizure medication that was effective. She told the Committee she drove under the influence at a time when she was depressed and frustrated and regrets making such a poor decision. She satisfied all of the requirements mandated by the court and stated she has been seizure free since April 2007. She explained she has learned better coping mechanisms and it will be two years this July since she has had a drink of alcohol.

Committee Action: A motion was made and seconded to grant Ms. Varner a respiratory care license.

KONKLE/PARK-TEELON
Motion carried 3-0-0

B. PROBATION

1. Susan Elaine Cate, R.C.P., License No. 30006740A

Ms. Cate appeared before the Committee, as requested, regarding her ongoing probationary status. The Committee issued a Findings of Fact, Conclusion of Law and Order filed October 31, 2007 whereby Ms. Cate's Respiratory care license was suspended due to failure to comply with her probation order. The suspension was to remain in effect until Ms. Cate submitted what was necessary in order to show compliance with the Order. It further ordered that she will personally appear at this meeting of the Respiratory Committee. Ms. Cate submitted proof of the ten (10) hours of continuing education and a standing order from a physician for random urine tests for drug and alcohol use. Ms. Cate was sent a letter October 24, 2007 stating the Committee was in receipt of those items and her license was reinstated on probation with the previous terms and conditions. Ms. Cate told the Committee she is working at West Lake Healthcare and PRN at Select. She reported no problems and the Committee had no concerns.

C. RENEWAL

V. ADMINISTRATIVE HEARINGS

A. State of Indiana v. Ginger Goble (Shepherd), R.C.P., License No. 30002965A
Administrative Cause No. 2002 RCC 0001
Re: Respondent's Motion to Reinstate

Parties and Counsel Present:

Respondent was not present and was not represented by counsel
Heather Kennedy, Deputy Attorney General for the State of Indiana
Felicia Warren, Court Reporter

Participating Committee Members:

Mr. Konkle (Hearing Officer)
Ms. Park-Teelon
Mr. Smith

Case Summary: The Respondent did not appear on her own motion for a hearing to reinstate her suspended license. The State asked the Committee to dismiss the Respondent's request for reinstatement.

Committee Action: A motion was made and seconded to dismiss the Respondent's request for reinstatement.

KONKLE/PRAK-TEELON
Motion carried 3-0-0

- B. State of Indiana v. Robert William Parish, R.C.P., License No. 30003465A**
Administrative Cause No. 2007 RCC 0001
Re: Order to Show Cause

Parties and Counsel Present:

Respondent was present and was not represented by counsel
The State of Indiana was not represented
Felicia Warren, Court Reporter

Participating Committee Members:

Mr. Konkle (Hearing Officer)
Ms. Park-Teelon
Mr. Smith

Case Summary: On December 20, 2007 the Committee issued an Order to Show Cause why the Respondent's respiratory license should not be summarily suspended, on an emergency basis, or whether other disciplinary action should be imposed due to noncompliance with the probationary terms as set forth in the Committee's Order of February 23, 2007. Respondent has not submitted a standing order from a physician for random urine tests for drugs and alcohol within thirty (30) days from the date of the probationary order. The Respondent has also not provided his place of employment, supervisor, occupation title, work schedule and quarterly reports for May, August, and November from his employer. The Respondent told the Committee that he did not submit proof employment because he could not find a job. He and his now ex-wife had decided that he would be a stay at home parent to their children while she worked until October 2007. He went through a divorce at that time and stated that the stress from that threatened his sobriety but he never relapsed. He voluntarily committed himself to live at Progress House and has been working since October at the Carvell Club counseling others with drug addictions. Respondent entered into evidence Exhibit "A" which a letter from Progress House attesting to his compliance with their program. He stated that money is an issue since his divorce and he doesn't make very much now. He would like to get back into respiratory care so that he can provide for himself and his children. Respondent stated with regards to the standing order for drug screens that he and his doctor did not understand what was meant by that. The Committee explained it is a prescription the doctor writes which allows the Committee to call for random urine screens. He explained he would get that for them and he does get randomly tested at the Progress House because you must be clean to live there. He advised all of his drug screens have been negative. The Committee expressed to him that he must stay in compliance with the terms of probation. The Respondent stated that he understands what is expected now.

Committee Action: A motion was made and seconded to keep the probation order terms and conditions in effect as written with the provision that he provide a

standing order from a physician for random drug screens within fifteen (15) days of the Final Order.

KONKLE/PARK-TEELON
Motion carried 3-0-0

VI. NOTICE OF PROPOSED DEFAULT/DISMISSAL

There were no notices of proposed defaults or dismissals.

VII. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Committee.

VIII. OLD/NEW BUSINESS

There was no Old/New business discussed.

IX. DISCUSSION

There were no items for discussion.

X. APPLICATION REVIEW

A. Endorsement

There were no endorsement applications to review.

B. Examination

There were no examination applications to review.

C. Credentials

There were no credential applications to review.

D. Temporary Permits

There were no temporary permits to review.

E. Student Permits

There were no student permits to review.

XI. PROBATIONARY REPORT

There were no probationary reports.

XII. CONTINUING EDUCATION

There was no continuing education for review.

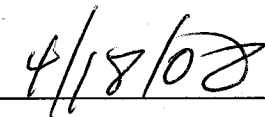
XIII. OTHER ITEMS FOR CONSIDERATION

XIV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Respiratory Care Committee adjourned at 11:30 a.m.



Thomas Konkle, Chairman



Date